

**MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, April 19, 2011 - 10:00 a.m.
Commission Chambers, 2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

COMMISSIONERS PRESENT: Jan M. Zogmaister, Chair, Craig L. Dearden and Kerry W. Gibson.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; Fátima Fernelius, of the Clerk/Auditor’s Office, took minutes.

- A. WELCOME** - Chair Zogmaister
- B. PLEDGE OF ALLEGIANCE** - Douglas Larsen
- C. THOUGHT OF THE DAY** - Commissioner Dearden

D. PRESENTATION OF A PROCLAMATION DECLARING APRIL 17-23, 2011 AS OGDEN-WEBER APPLIED TECHNOLOGY COLLEGE WEEK

Chair Zogmaister read the proclamation celebrating 40 years of commitment by the Ogden-Weber Applied Technology College in fulfilling the technical education and employment needs of Weber County and encouraging the citizens to join in the 40th anniversary celebration/community open house on 6/16/2011. ATC President Collette Mercier expressed thanks for the recognition stating that they have been very involved with the community for the past 40 years. Ms. Mercier stated that they have had a great partnership with the County Commission over the years and look forward to many more. The commissioners stated that the college is a great asset to the county. Commissioner Gibson added that some underestimate the critical need of the applied technology system.

E. CONSENT ITEMS:

- 1. Purchase Orders in the amount of \$73,970.66
- 2. Warrants #272966-#273168 in the amount of \$610,121.86
- 3. Minutes for the meetings held on April 5 and 12, 2011
- 4. New business licenses
- 5. Cancel the regular meeting of the Board of Commissioners of Weber County for April 26, 2011
- 6. Approval of the Weber County Tax Review Committee’s decision regarding Parcel #05-137-0001
- 7. Tax Review Committee’s recommendations to approve the following tax sale extensions:
 - 04-040-0043, Espinoza
 - 08-043-0034, Stone
 - 09-436-0006, Fladie
 - 11-105-0012, Rolling Hills
 - 11-225-0002, Hansen
 - 16-044-0023, Boardwalk Industries
 - 22-007-0048, Loewenstein
 - 23-120-0015, Ross
 - 04-040-0053, Espinoza
 - 09-402-0018, Cheny (Alex)
 - 11-105-0011, Rolling Hills
 - 11-113-0023, Treasure
 - 15-380-0014, Marshal-Jones
 - 21-025-0017, James
 - 23-120-0014, Sunridge (Ross)

Commissioner Dearden moved to approve the consent items; Commissioner Gibson seconded, all voting aye.

F. ACTION ITEMS:

1. CONTRACT WITH KOTTAGE KUPBOARD INC. FOR THE SUMMER & MOTHER'S DAY BOUTIQUE AT THE GOLDEN SPIKE EVENT CENTER MAY 2-7, 2011 - CONTRACT C2011-46

Jim Harvey, GSEC, presented this standard contract.

Commissioner Gibson moved to approve Contract C2011-46 with Kottage Kupboard Inc. for the Summer & Mother's Day Boutique at the Golden Spike Event Center 5/2-7/2011; Commissioner Dearden seconded, all voting aye.

2. TWO CONTRACTS WITH STIRRIN' DIRT LLC TO HOST A DEMOLITION DERBY IN THE OUTDOOR STADIUM AT THE GOLDEN SPIKE EVENT CENTER MAY 21 AND OCTOBER 8, 2011 - CONTRACTS C2011-47 & C2011-48

Jim Harvey, GSEC, presented these contracts.

Commissioner Dearden moved to approve Contracts C2011-47 and C2011-48 with Stirrin' Dirt LLC to host a demolition derby in the Outdoor Stadium at the Golden Spike Event Center 5/21 and 10/8/2011, respectively; Commissioner Gibson seconded, all voting aye.

3. TAX REVIEW COMMITTEE RECOMMENDATIONS NOT TO APPROVE THE FOLLOWING REQUESTS:

- 11-105-0011, Rolling Hills - Request to waive penalty and interest
- 11-105-0012, Rolling Hills - Request to waive penalty and interest

- 15-017-0020, B P Properties - Request for Tax Sale extension
- 15-017-0040, B P Properties - Request for Tax Sale extension
- 15-017-0041, B P Properties - Request for Tax Sale extension
- 15-027-0036, B P Properties - Request for Tax Sale extension

Rolling Hills - Roger Brunker, of the Clerk/Auditor's Office, stated that Rolling Hills requested waiving penalty and interest due to financial problems. The Tax Review Committee did not find any error by the county. Mr. Brunker stated that generally the county does not waive penalty and interest in these cases unless the county is in error. The Committee recommends not waiving penalty and interest. Mr. Brunker noted that a Rolling Hills representative was to be present today, however, no one came. Chair Zogmaister noted that she is related to someone who has worked with Rolling Hills to help them get out of their current financial situation and she abstained from voting.

Commissioner Dearden moved to uphold the Tax Review Committee's recommendation not to waive penalty and interest for Rolling Hills; Commissioner Gibson seconded. Chair Zogmaister abstained.

BP Properties - Roger Brunker, of the Clerk/Auditor's Office, stated that taxes have not been paid on these properties for the last five years. The Tax Review Committee did not find any reason to approve the tax sale extension. These were purchased as investment properties and no attempt has been made to pay the taxes or to give the county an address to mail the notices.

Kent Buie, owner of BP Properties, stated that the properties were purchased for a planned residential community development and he would have sold the property but the market deteriorated. Mr. Buie acknowledges that it is his obligation to pay the taxes and that the county was not at fault in any way. He said that none of the properties' addresses were properly noted on the deeds, if at all, by the title company, and he never received a tax notice.

Mr. Buie is negotiating a sale with an adjacent property owner and another purchase prospect has just arisen. He requested an extension to allow some time to resolve the issue stating that he cannot complete the sale by the county's tax sale date. Commissioner Dearden asked if he has discussed a payment plan with Mr. Bruner and he has not but would like to do so.

Commissioner Gibson asked what is the county's responsibility regarding an address discrepancy and Mr. Bruner stated that the County Recorder's practice is to mail tax notices to the address on the recorded deed. In this case, on two properties, Aspen Title was crossed out on the deed and Aspen Title's address remained, thus it was mailed to Aspen Title. Another had no address and in that case the county uses the mailing address on the previous deed. Statutorily, property owners have an obligation to contact the county if they do not receive their tax notices. Mr. Bruner reiterated that the county was not in error in this case. He stated that the county does not waive any of the fees or interest in these situations. The interest is to accumulate until the obligation is paid. The county recommends that tax payers make monthly payments along with a substantial down-payment, to show a good faith effort upon extension approval, and that they pay their obligations before the next tax sale.

Chair Zogmaister noted that this is investment property consisting of 56 acres, and is different from other requests for tax sale extensions where the properties have homes. She asked why Mr. Buie did not notice that no property taxes have been paid for five years. Mr. Buie said that he will abandon the practice of accumulating taxes as he has been doing for years and accepts the responsibility. Chair Zogmaister does not agree with the practice of not paying taxes until they sell the properties. The commissioners asked what is the difference between the other requests for tax sale extensions approved under the consent items and Mr. Bruner responded that a lot of them are similar to this, except that a lot of them have been making payments because they have been trying to take care of their tax obligations and show a good faith effort. Mr. Bruner said that the Tax Review Committee had difficulty with this issue because it is such a large piece of ground and strictly for investment purposes, where most of the others are homes and/or the owners have been making payments.

Commissioner Dearden moved that Mr. Bruner work with Mr. Buie to see if they can come to a solution and to bring the item back before the Commission on 5/3/2011; Commissioner Gibson seconded, all voting aye.

4. REQUEST FOR A CONTRACT WITH AVTEX - CITYWATCH NOTIFICATION SYSTEM

This item was held.

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, MAY 3, 2011, 10:00 A.M.

H. PUBLIC COMMENTS:

Brice Penrod, of Pleasant View/Counterpoint, stated that he received a flyer yesterday from the C&D landfill stating that it will now accept waste from the entire State. He feels this is premature. The landfill is operating under two separate permits simultaneously, and although the landfill can operate under a number of permits simultaneously, this can be done only when the IVb permit is revoked.

I. CLOSED EXECUTIVE SESSION TO DISCUSS STRATEGY RELATING TO THE PURCHASE OR ACQUISITION OF REAL ESTATE AND STRATEGY RELATING TO IMMINENT OR PENDING LITIGATION

Commissioner Gibson moved to convene a closed executive session to discuss strategy relating to the purchase or acquisition of real estate and strategy relating to imminent or pending litigation; Commissioner Dearden seconded.

Roll Call Vote:

Commissioner Dearden aye
Commissioner Gibson aye
Chair Zogmaister aye

There was no action taken on the closed executive session.

J. ADJOURN

Commissioner Dearden moved to adjourn at 11:25 a.m.; Commissioner Gibson seconded, all voting aye.

Jan M. Zogmaister, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor